

UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

THE SKI MARKET LTD., INC.,
Debtor.

Chapter 7
Case No. 09-22502 (HJB)

**ASSENTED TO MOTION OF THE CHAPTER 7 TRUSTEE TO DEFER
CONSIDERATION OF REQUEST BY MIRICK, O'CONNELL, DEMALLIE
& LOUGEE, LLP FOR ALLOWANCE AND PAYMENT OF CHAPTER 11
ADMINISTRATIVE CLAIM AND REIMBURSEMENT OF EXPENSES**

Joseph Braunstein, the Chapter 7 Trustee (the "**Trustee**") of The Ski Market Ltd., Inc. (the "**Debtor**") hereby moves that the *Request for Allowance and Payment of Chapter 11 Administrative Claim and Reimbursement of Expenses by Mirick, O'Connell, DeMallie & Lougee, LLC, Counsel to the Debtor* (the "**Motion**") be deferred until such time as there are sufficient funds in the estate (the "**Estate**") for payment and to consider all of the Chapter 11 Administration Expenses that have not previously been allowed. In further support the Trustee states as follows:

Background

1. On December 29, 2009, the Debtor filed a voluntary petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code. On August 26, 2010, the Debtor's case was converted to a case under Chapter 7, and the Trustee was appointed on August 27, 2010. The meeting of creditors required pursuant to 11 U.S.C. § 341 is scheduled for September 27, 2010 at 10:30 a.m. and **the bar date to file claims has been set for December 27, 2010.**

2. On December 29, 2009, the Debtor filed the *Application to Employ Mirick, O'Connell, DeMallie & Lougee, LLP as Counsel*, which was allowed by this Court on January 19, 2010.

3. On September 9, 2010, Mirick, O'Connell, DeMallie & Lougee, LLC filed the Motion seeking allowance and payment of legal fees of \$23,861.50 and reimbursement of expenses of \$2,091.48 for a total of \$25,952.98 incurred during the period of June 5, 2010 through and including August 26, 2010, having been paid for its services through the prior period.

4. There are 295 claims filed to date in this case, including administrative and claims that were incurred post petition as well as approximately 20 claims that have been sent to the Trustee that have not as yet been filed with the Court.

5. Presently, there are no funds in the case for Chapter 7 administration and it appears according to the Trustee's understanding that the only funds may be from some possible potential preference claims, although no due diligence has been undertaken in connection with the viability of maintaining such actions.

6. The Trustee, therefore should not be required to spend time reviewing Administration Claims until such time as there may be a likelihood of payment of such claims or at least until after the bar date when all the claims have been filed and the Trustee has had an opportunity to have a better understanding of the case.

WHEREFORE, the Trustee respectfully requests that this Court enter an order (a) deferring consideration of the Request for Payment, and (b) for such other relief as is just and proper.

THE SKI MARKET LTD., INC.

/s/Joseph Braunstein

Joseph Braunstein, BBO No. 054680

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DATED: September 20, 2010

ASSENTED TO:

/s/Joseph H. Baldiga

Joseph H. Baldiga

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CERTIFICATE OF SERVICE

I, Joseph Braunstein, with the law firm of Riemer & Braunstein LLP, hereby certify that I caused to be served on September 20, 2010, a true and accurate copy of the **ASSENTED TO MOTION OF CHAPTER 7 TRUSTEE TO DEFER CONSIDERATION OF REQUEST BY MIRICK, O'CONNELL, DEMALLIE & LOUGEE LLP FOR ALLOWANCE AND PAYMENT OF CHAPTER 11 ADMINISTRATIVE CLAIM AND REIMBURSEMENT OF EXPENSES** by first class United States mail, postage pre-paid, or by electronic notification (EN) where indicated, to the individuals listed below:

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